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or aggressive, it has no right under customary international law to shoot down a civilian passenger plane.

In view of the conclusion that it is generally unlawful to shoot a trespassing civilian airliner which disobeys a landing order, it remains to be seen whether a civilian aircraft on a spying mission, as alleged by the Soviets in the Korean Airlines incident, is fair game for violent retaliation. In such circumstances the lives of numerous innocent travellers may be threatened, and therefore the subjacent state must present cogent proof of the military mission of such a plane in order to justify itself in terms of self-defense. A mere allegation of self-defense is wholly insufficient, rendering the subjacent state a violator of international law and the murderer of innocent people. It seems fair, however, for the subjacent state to rely on a reasonable belief that the intruding aircraft poses a threat to its national security in deciding what action to take. An objective standard is essential for judging any such asserted, reasonable belief in order to prevent abuses by subjacent countries.

As this article has pointed out, the applicable rules of international air law are plainly inadequate in dealing with incidents such as the destruction of Korean Airlines Flight 007. The only guidance available to analyze the rights of an intruding aircraft vis-a-vis the subjacent sovereign consists of general principles of international law. The need for a multinational agreement to resolve this unsettled state of affairs is both apparent and urgent.

**Comments**